

A win for public records and the public's right to know

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Amy Crawford loads 9mm bullets into a magazine at West Coast Armory North in Everett in 2015. Crawford was a Kirkland corrections officer exposed to lead in 2007 at the Issaquah Police Firing Range. (Lindsey Wasson/The Seattle Times)

Thursday's state Supreme Court ruling reinforces the Public Records Act.

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By

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The Seattle Times

THURSDAY'S state [Supreme Court ruling in a public-records case](#) sends several strong messages to government agencies.

The court upheld a \$546,509 Superior Court judgment against the state Department of Labor and Industries finding that it repeatedly delayed the release of records related to lead exposure at Wade's Eastside Gun Shop.

This newspaper requested the records as part of [an investigation that revealed thousands of gun owners, workers and their families were exposed to unsafe levels of lead](#) at ranges that received lax scrutiny from health regulators.

The series, “[Loaded with lead](#),” demonstrated the importance of [Washington’s strong Public Records Act](#). It enabled the public to learn about health risks and where government could improve.

Penalties can encourage prompt release of records. They also discourage officials from manipulating disclosures for political reasons, such as withholding embarrassing records until after a vote.

The law allows penalties up to \$100 per record for each day they’re withheld. In this case, per-record penalties ranged from 1 cent to \$5, the latter for records withheld even after a court ordered their release.

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Public agencies are created by the people to serve the people. Yet some continue to flout public-records law or seek to weaken it through courts and the Legislature.

[Thursday’s 5-4 ruling](#) reinforced the law.

It further clarified an exemption for “open investigations,” which agencies cannot use as a blanket excuse to keep records secret. L&I failed to show disclosure jeopardized its investigation of Wade’s. The courts also found that L&I used this exemption to withhold records after its investigation was complete.

The courts also took L&I to task for withholding records as a courtesy to companies involved. Companies were given a chance to obtain court orders blocking the release of sensitive information, but failed to do so before the state’s deadline. Still, L&I continued withholding records. These are public servants, not private servants.

A minority on the court dissented, taking issue with per-page penalties imposed by a lower court, even though the law gives judges discretion here. A significant penalty was warranted because of L&I’s flagrant violations.

The remaining questions are whether Gov. Jay Inslee will hold anyone accountable for this costly violation of state law and how the state will prevent this from happening again.

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